

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 MCLEODUSA TELECOMMUNICATIONS SERVICES,) DOCKET NO.
4 INC.) 00 -0107

5 -vs-)

6 ILLINOIS BELL TELEPHONE COMPANY)
7 (Ameritech Illinois))

8 Complaint against Illinois Bell)
9 Telephone Company d/b/a Ameritech)
10 Illinois under Sections 13-514 and)
11 13-515 of the Public Utilities Act)
12 concerning the imposition of special)
13 construction charges and seeking)
14 emergency relief pursuant to Section)
15 13-515(e).)

16 Springfield, Illinois
17 November 6, 2000

18 Met, pursuant to notice, at 1:00 P.M.

19 BEFORE:

20 MR. JOHN ALBERS, Examiner

21 APPEARANCES:

22 MS. CARRIE J. HIGHTMAN
 Schiff, Hardin & Waite
 6600 Sears Tower
 Chicago, Illinois 60606

 (Appearing on behalf of McLeodUSA
 Telecommunications Services, Inc. via
 teleconference)

 SULLIVAN REPORTING COMPANY, by
 Cheryl A. Davis, Reporter, #084-001662

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|----|-----------|--------|--------|----------|----------|
| 1 | I N D E X | | | | |
| 2 | WITNESSES | DIRECT | CROSS | REDIRECT | RECROSS |
| 3 | (None) | | | | |
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| 12 | EXHIBITS | | MARKED | | ADMITTED |
| 13 | (None) | | | | |
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1 PROCEEDINGS

2 EXAMINER ALBERS: By the authority vested
3 in me by the Illinois Commerce Commission, I now
4 call Docket 00-0107. This docket concerns the
5 complaint filed by McLeodUSA Telecommunications
6 Services, Inc. against Ameritech Illinois under
7 Sections 13-514 and 13-515 of the Public Utilities
8 Act.

9 When we last met on October 11th the
10 parties agreed to stay the 60-day statutory
11 schedule while settlement discussions occurred. It
12 was also noted that this status hearing would not
13 be included in the 60 days.

14 And at this time could I have the
15 appearances for the record, please.

16 MS. HIGHTMAN: Carry J. Hightman, Schiff
17 Hardin and Waite, 6600 Sears Tower, Chicago,
18 Illinois 60606, appearing on behalf of the
19 Complainant.

20 MR. KERBER: For the Respondent,
21 Ameritech Illinois, this is Mark Kerber,
22 K-E-R-B-E-R, 225 West Randolph, HQ 25B I think -

1 I've changed floors again - Chicago, 60606.

2 MR. WEGING: James Wewing and Andrew
3 Huckman, 160 North La Salle Street, Suite C-800,
4 Chicago, Illinois 60601, appearing on behalf of the
5 Commission Staff witnesses I think, but I'm not
6 sure.

7 EXAMINER ALBERS: Okay. Thank you.

8 I think also at this time, in accordance
9 with the revised Code Part 200 rules, I'm going to
10 ask the parties to state their e-mail address, if
11 they have one. I think everyone here does, and
12 then also indicate for the record if the ruling to
13 allow service by e-mail is opposed to regular
14 mailed service from the Clerk's Office.

15 MS. HIGHTMAN: My e-mail address is
16 chightman@schiffhardin.com, and not only would I
17 accept it, I would prefer it.

18 MR. KERBER: My e-mail address is
19 mark.a.kerber@ameritech.com, and I am also fine
20 with getting service of documents by e-mail.

21 MR. WEGING: Jwewing@icc.state.il.us, and
22 of course we love e-mail notices.

1 MR. HUCKMAN: Andrew Huckman's e-mails
2 address is ahuckman@icc.state.il.us.

3 EXAMINER ALBERS: All right. Thank you.

4 Prior to going on the record the parties
5 summarized the state of the settlement
6 negotiations. I'd like to ask someone now to
7 please state for the record what the status of
8 those negotiations are.

9 MS. HIGHTMAN: I'd be happy to do that.

10 I've been talking to Mr. Kerber about the
11 possibility of settlement. We now have a number
12 that McLeod has proffered as the amount of the
13 charges we're seeking to recover.

14 At this point Mr. Kerber has not been
15 able to get back with me because of the delayed
16 date at which I gave the information and the
17 unavailability of the people that needed to
18 consider the information I gave him.

19 We're both hopeful that given that the
20 amount of charges that we're looking at here that
21 we should be able to settle this case. Of course,
22 it's not settled till it's settled, as Mr. Kerber

1 mentioned off the record before, but we're doing
2 our best to try to reach agreement, and what we'd
3 like to do is to have about a month before we come
4 back here, and hopefully within that time we'll be
5 able to resolve the issues or at least know if
6 there's going to be some issues that won't get
7 resolved.

8 MR. KERBER: And, in fact, just to add to
9 what Carrie said, I was able to go through sort of
10 the facts and the number that Carrie provided with
11 one of the key members on the client side today,
12 and that conversation certainly confirmed that
13 settlement is a realistic possibility and something
14 that we're interested in, so I think it's certainly
15 a very reasonable likelihood of settlement that
16 both parties are interested in pursuing.

17 MS. HIGHTMAN: And in light of these
18 events, I had requested that the Hearing Examiner
19 hold off on ruling on the two pending motions, and
20 at this point I'd also want to wait to respond to
21 the answer and the affirmative defenses stated in
22 the answer.

1 MR. KERBER: And on behalf of Ameritech
2 Illinois, I have no objection to that.

3 EXAMINER ALBERS: Does Staff want to
4 weigh in on any of these?

5 MR. WEGING: Everything sounds fine to
6 Staff.

7 EXAMINER ALBERS: Okay. Well, I'm
8 certainly willing to let the parties continue their
9 negotiations, and I will also hold off on ruling on
10 the motion to withdraw the original motion to
11 dismiss and also hold off on any ruling or setting
12 any schedule for the new motion to dismiss as well
13 as Ameritech's affirmative defenses in its answer.

14 The parties indicated off the record that
15 December 4th at 1:30 p.m. works with everyone's
16 schedules, and I also assume that the parties would
17 not want that December 4th status hearing to be
18 included in the 60-day statutory schedule.

19 MS. HIGHTMAN: That's right.

20 MR. KERBER: Correct.

21 MR. WEGING: Yes.

22 EXAMINER ALBERS: Okay. And, for the

1 record, the stay of the statutory schedule will
2 continue.

3 Is there anything else to add today then?

4 MS. HIGHTMAN: I don't think so.

5 MR. KERBER: Not from me, Your Honor.

6 EXAMINER ALBERS: Anything from Staff?

7 MR. WEGING: No, other than we'll need a
8 Chicago hearing room on December 4th.

9 MS. HIGHTMAN: Yes.

10 EXAMINER ALBERS: Good idea.

11 Okay. If there's nothing further, then
12 I'll continue this matter to December 4th at 1:30.

13 MS. HIGHTMAN: Thank you.

14 (Whereupon the case was
15 continued to December 4,
16 2000, at 1:30 P.M. in
17 Springfield, Illinois.)

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